

**Amendments to the Drawings:**

The attached one (1) page of replacement sheet of drawings includes changes to Fig. 3. This replacement drawing sheet, which includes Fig. 3, replaces the original sheet including Fig. 3. Specifically, in Fig. 3, the label “control block” has been inserted for the box having element number 23, and the label “light supply unit” has been inserted for the box having element number 24. Support for these changes can be found in the specification at, for example, page 9, lines 21-23 of the originally filed application. Accordingly, no new matter has been added by these changes.

Attachment: Replacement Sheet (1)

### **REMARKS**

Claims 1-17 are pending in the application. No amendments to the claims are made by this Response. Claims 1 and 4-17 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Lohn, U.S. Patent No. 4,886,452 (“Lohn”) in view of Ng et al., U.S. Patent No. 6,283,014 (“Ng et al.”). (Office Action, p. 3). Claim 2 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Lohn in view of Ng et al. and further in view of Schindler, U.S. Patent No. 4,225,777 (“Schindler”). (Office action, pp. 3-4). Claim 3 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Lohn in view of Schindler and further in view of Joudikis, U.S. Patent No. 3,946,200 (“Joudikis”). (Office action, p. 4).

The drawings have been objected to because “black boxes 23 and 24 in Figure 3 should be labeled in accordance with their function.” (Office action, p. 2). Applicant has amended Fig. 3 in accordance with the examiner’s suggestions by providing labels for the boxes having element numbers 23 and 24. Specifically, in Fig. 3, applicant has inserted the label “control block” for the box having element number 23 and the label “light supply unit” for the box having element number 24. Support for these changes can be found in the specification at, for example, page 9, lines 21-23 of the originally filed application. No new matter has been added by these changes. Accordingly, applicant respectfully requests that the objections to the drawings be withdrawn.

### **Claim Rejections under 35 U.S.C. § 103(a)**

Claims 1 and 4-17 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Lohn in view of Ng et al. Applicant respectfully traverses the rejections of the claims. Reconsideration in light of the remarks presented below is respectfully requested.

The Office action has failed to establish a *prima facie* case of obviousness of the claims based on Lohn, Ng et al., Schindler, and Joudikis, whether taken alone or in combination, because none of these references discloses, teaches, or suggests the claimed combination of elements recited by each of the claims. Particularly, the Office action states that “Lohn teaches the claimed subject matter except for showing remote access and control in addition to manual activation of the dental hand piece.” (Office action, p. 3). The Office action further states that “Ng et al are applied for teaching that it is conventional to have both remote and manual control in a heating device and use of the same gives the benefit of a more versatile device.” (Office action, p. 3). Contrary to the statements in the Office action, however, none of the claims explicitly recites “remote access and control.” Furthermore, the

Office action fails to indicate the figure(s), page(s), and/or paragraph(s) of Löhn and Ng et al. that the Office action relies on in making this rejection. As set forth in MPEP chapter 707:

In accordance with the patent statute, ‘Whenever, on examination, any claim for a patent is rejected, or any objection . . . made,’ notification of the reasons for rejection and/or objection together with such information and references as may be useful in judging the propriety of continuing the prosecution (35 U.S.C. 132) should be given. **When considered necessary for adequate information, the particular figure(s) of the drawing(s), and/or page(s) or paragraph(s) of the reference(s), and/or any relevant comments briefly stated should be included.** (Emphasis added).

Applicant submits that this has not been done in this instance. Given that there is no identification of which figure(s), page(s), and/or paragraph(s) of Löhn and Ng et al. is relied upon in making the claim rejections, applicant’s remarks regarding the rejections of claims 1 and 4-17 under 35 U.S.C. § 103(a) are accordingly limited. However, applicant will respond to the claim rejections to the extent possible.

Independent claim 1 recites a control circuit for control of a media heating device of a dental handpiece that includes “a heating current circuit in which there is arranged at least one hand-actuatable switch, which can be actuated by hand, for activating the heating device; and, at least one further, controllable switch element arranged in the heating current circuit, which switch element can be set in dependence upon an external control signal into a conducting condition or a non-conducting condition.”

Löhn does not disclose, teach, or suggest each and every element recited by independent claim 1. Instead, Löhn merely describes a dental spray handpiece having two media conduits (5, 6). The two media conduits are each provided with a respective electrical heating device (9, 10) for heating the medium, including an associated heating current circuit (11, 12). Each of the heating current circuits includes an on-off switch (16, 17), and each of the two media conduits includes a shutoff valve (13, 14) having an associated pushbutton (19) actuating the shutoff valves (13, 14). Löhn further describes that the on-off switches are combined with the shutoff valves (13, 14) either structurally and/or functionally to provide for common actuation. (Löhn, col. 2, ll. 7-30; FIGS. 1-4). Nowhere does Löhn disclose, teach, or suggest “at least one hand-actuatable switch, which can be actuated by hand, for activating the heating device” in combination with a “switch element [that] can be set in dependence upon an external control signal into a conducting condition or a non-conducting condition,” as recited by independent claim 1.

Applicant respectfully submits that Ng et al. is non-analogous art and fails to provide the missing disclosure, teaching, and suggestion of Löhn. Instead, Ng et al. merely describes a dual-voltage electric pressure cooker having a two-mode pressure cooking process to save energy. (Ng et al., Abstract). Moreover, there is no suggestion or motivation in either Löhn or Ng et al. (and the Office action has not shown a suggestion or motivation in either Löhn or Ng et al.) to combine the teachings of the references to achieve the combination of elements recited by independent claim 1. Accordingly, applicant respectfully submits that Löhn and Ng et al., taken alone or in combination, fail to disclose, teach, or suggest each and every element recited by independent claim 1. For at least this reason, independent claim 1 is not anticipated or rendered obvious by Löhn or Ng et al., either alone or in combination. Accordingly, independent claim 1 is allowable. Claims 2-15 depend from claim 1 and are allowable for at least this same reason.

Löhn and Ng et al. are similarly deficient in comparison to independent claim 16, which recites a dental spray handpiece that includes “a heating device which can be switched on and switched off, for a medium flowing therethrough, wherein the heating device can be deactivated when the medium is intended for the purpose of at least one of cleaning and disinfecting the spray handpiece.” Löhn and Ng et al. wholly fail to disclose, teach, or suggest these elements. Accordingly, independent claim 16 is neither anticipated nor rendered obvious by Löhn or Ng et al., either alone or in combination. Claim 17 depends from claim 16 and is allowable for at least this same reason.

Claim 2 (which depends from claim 1) has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Löhn in view of Ng et al. and further in view of Schindler. As discussed above, neither Löhn nor Ng et al. discloses, teaches, or suggests the elements recited by claim 1 and, by virtue of its dependency, claim 2. Applicant respectfully submits that Schindler is non-analogous art and does not provide the missing disclosure, teaching, or suggestion of Löhn and Ng et al. Instead Schindler merely describes a temperature control circuit for controlling the temperature of water flowing past a heater at its point-of-use. (Schindler, col. 1, ll. 18-20). Accordingly, dependent claim 2 is allowable for at least this additional reason.

Lastly, claim 3 (which depends from claim 1) has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Löhn in view of Schindler and further in view of Joudikis. As discussed above, neither Löhn nor Schindler discloses, teaches, or suggests the

elements recited by claim 1 and, by virtue of its dependency, claim 3. Applicant respectfully submits that Juodikis is non-analogous art and does not provide the missing disclosure, teaching, or suggestion of Löhn and Schindler. Instead, Juodikis merely describes a temperature controller for use with an electrical heater for maintaining temperature at a selected set point. (Juodikis, Abstract). Accordingly, dependent claim 3 is allowable for at least this additional reason.

In view of the foregoing, applicant respectfully requests reconsideration and withdrawal of the rejection of the claims at issue, and allowance thereof. The examiner is encouraged to contact the applicant's undersigned attorney with any questions regarding this response or the application as a whole. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855.

Respectfully submitted for,  
MARSHALL, GERSTEIN & BORUN LLP

January 28, 2005

By: Marla L. Hudson  
Marla L. Hudson  
Reg. No. 43,680  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300